

I am a member of the Bar of this Court and a member of the law firm of K&L Gates LLP, counsel for Defendant 3F Therapeutics, Inc. (“3FTI”) in the above-captioned action. I submit this affidavit in support of Defendant 3FTI’s Motion for Summary Judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56.1. I have personal knowledge of the facts set forth herein. I submit this affidavit to place before this Court true and accurate copies of the following documents:

EXHIBIT

DESCRIPTION

- |   |   |
|---|---|
| A | Complaint filed in this action, captioned <i>Arthur N. Abbey v. Theodore C. Skokos, 3F Partners Limited Partnership II, 3F Management II, LLC and 3F Therapeutics, Inc.</i> , 06-CV-0409, dated January 19, 2006  |
| B | Amended Complaint filed in this action, captioned <i>Arthur N. Abbey v. 3F Therapeutics, Inc.</i> , Civ. A. No. 06-cv-0409, dated February 13, 2009   |
| C | Transcript of the Oral Deposition of Arthur N. Abbey, taken on March 18, 2010 (the "Abbey Dep.")  |
| D | Excerpt from the Abbey Spanier Rodd & Abrams, LLP website regarding the professional biography of Arthur N. Abbey, marked as Abbey Dep. Ex. 1   |
| E | Excerpt from the Abbey Spanier Rodd & Abrams, LLP website titled "Securities Fraud," marked as Abbey Dep. Ex. 3   |
| F | Brief for Plaintiff-Appellant Arthur N. Abbey, dated November 14, 2007, in the action <i>Arthur N. Abbey v. Theodore C. Skokos, 3F Partners Limited Partnership II, 3F Management II, LLC and 3F Therapeutics, Inc.</i> , 07-3757-cv, United States Court of Appeals for the Second Circuit, marked as Abbey Dep. Ex. 8 |
| G | Email string with attached 3FTI December 31, 2004 financial statements, dated March 29, 2005, from Ted Skokos to Arthur N. Abbey, Bates stamped ABBEY000468 - ABBEY000470, marked as Abbey Dep. Ex. 9   |
| H | Email string, dated March 30, 2005, from Jean Michaels to Arthur N. Abbey, Bates stamped 3FTI 003750 - 3FTI 003751, marked as Abbey Dep. Ex. 10   |
| I | Form S-4 filed April 18, 2006 on behalf of ATS Medical, Inc., marked as Abbey Dep. Ex. 15   |
| J | Email string, dated January 3, 2006, from Arthur N. Abbey to Ted Skokos, Bates stamped ABBEY000473, marked as Abbey Dep. Ex. 19   |

- K Complaint captioned *Arthur N. Abbey v. Theodore C. Skokos and 3F Therapeutics, Inc.*, filed in the Court of Chancery of the State of Delaware, dated June 7, 2006, marked as Abbey Dep. Ex. 20
- L Form 8-K filed on behalf of ATS Medical, Inc., dated December 7, 2009, marked as Abbey Dep. Ex. 21
- M Collateral Agreement between JPMorgan Chase Bank, N.A. and Arthur N. Abbey, Bates stamped ABBEY000051-ABBEY000059, marked as Abbey Dep. Ex. 25
- N Arthur N. Abbey's JPMorgan Portfolio Summary, Bates stamped ABBEY000684 – ABBEY000693
- O Agreement of the 3F Partners Limited Partnership II, dated March 8, 2005, Bates stamped ABBEY000496 - 000573, marked as ABBEY Dep. Ex. 27
- P Transcript of the Oral Deposition of Theodore C. "Ted" Skokos, taken on March 24, 2010 (the "Skokos Dep.")
- Q Email, dated October 27, 2005, from Arthur N. Abbey to Ted Skokos, marked as Skokos Dep. Ex. 4
- R Email, dated December 27, 2005, from Arthur N. Abbey to Ted Skokos, marked as Skokos Dep. Ex. 5
- S Plaintiff's Response to Defendant 3FTI's Interrogatories Concerning Plaintiff's Investment Experience, dated June 8, 2010
- T Letter, dated February 4, 2005, from Medtronic, Inc. to Walter Cuevas and Dimitri Steinberg, marked as Cuevas Dep. Ex. 3 at the Oral Deposition of Walter A. Cuevas, taken on March 23, 2010
- U Confidential Disclosure Agreement dated February 18, 2003, between Medtronic, Inc. and 3FTI, Bates stamped 3FTI 003625 - 3FTI 003627
- V Email string from Walter Cuevas to Louis Bunn with an attached letter from Sorin Group, dated February 15, 2005, from and marked as Cuevas Dep. Ex. 5
- W Letter, dated February 4, 2005, from Sorin Group to Walter Cuevas, marked as Cuevas Dep. Ex. 22

X Arthur Abbey's Schedule Ds (Form 1040) for the years 2003, 2004, and 2005, Bates stamped ABBEY000662 – ABBEY000674

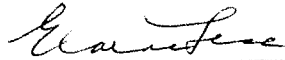
Y 3F Therapeutics, Inc. Series E Preferred Stock Purchase Agreement, dated April 18, 2005, Bates stamped 3FTI 004835 - 3FTI 004853

Z Form 8-K filed on behalf of ATS Medical, Inc., dated April 28, 2010



Andrew L. Morrison

Sworn to before me this  
25<sup>th</sup> day of June, 2010



Notary Public

ELAINE FERA  
Notary Public, State of New York  
No. 01FE4867816  
Qualified in Westchester County  
Commission Expires August 25, 20 10

**CERTIFICATE OF SERVICE**

I, Samantha J. Katze, hereby certify that, on June 25, 2010, I caused true and correct copies of: (i) Defendant 3F Therapeutics, Inc.'s Supplemental Memorandum of Law in Support of its Motion for Summary Judgment, (ii) Compendium of Unreported Cases Cited in Defendant 3F Therapeutics, Inc.'s Supplemental Memorandum of Law in Support of its Motion for Summary Judgment, (iii) Defendant 3F Therapeutics, Inc.'s Rule 56.1 Statement and (iv) Supplemental Affidavit of Andrew L. Morrison in Support of Defendant 3F Therapeutics, Inc.'s Motion for Summary Judgment with attached exhibits A through Z, to be served by hand delivery, on the following:

Orin Kurtz, Esq.  
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*Attorneys for Plaintiff Arthur N. Abbey*

  
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Samantha J. Katze

Civil Action No. 06 CV 0409 (KMW)(GWG)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARTHUR N. ABBEY,

Plaintiff,

-against-

3F THERAPEUTICS, INC.,

Defendant.

**SUPPLEMENTAL AFFIDAVIT OF ANDREW L. MORRISON  
IN SUPPORT OF DEFENDANT 3F THERAPEUTICS, INC.'S  
MOTION FOR SUMMARY JUDGMENT**

**K&L GATES LLP**  
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*Attorneys for Defendant  
3F Therapeutics, Inc.*